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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Attorney Docket No. 2006\_0833A  
Setsuo TSUJII et al. : **Confirmation No. 9676**  
Serial No. 10/584,622 : Group Art Unit 1794  
Filed June 26, 2006 : Examiner Dalila Toussaint  
CREAMS, WHIPPED PRODUCTS : **Mail Stop: AF**  
THEREOF, DRY POWDERS THEREOF  
AND PROCESS FOR PRODUCING THE  
SAME

**RESPONSE AFTER FINAL REJECTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE UNDER 37.CFR.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP-----1700**

Sir:

Responsive to the Office Action of August 31, 2009, the time for responding thereto being extended for two months in accordance with a Petition for Extension of Time submitted herewith, Applicants submit the following remarks in support of the patentability of the presently claimed invention over the disclosures of the references relied upon by the Examiner in rejecting the claims. Further and favorable reconsideration is respectfully requested in view of these remarks.

Thus, the rejection of claims 1-3 and 5-6 under 35 U.S.C. §103(a) as being unpatentable over Blake et al. (US '211) in view of Bradford et al. (US '431) is respectfully traversed.

The Examiner states that the Blake et al. reference discloses an acidic whipping cream "made of soluble soybean". However, the portion of this reference quoted by the Examiner on pages 2-3 of the Office Action does not refer to soluble soybean, but rather, refers to whipping agents "derived as protein hydrolyzates from, for example, vegetable proteins." These **protein hydrolyzates** are different from "the acid-soluble **soybean protein**" employed in the presently claimed invention. Protein hydrolyzates can be defined as a mixture of amino acids or peptides prepared by splitting a protein with an enzyme, which is consistent with the description at